IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 926 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 3-3-2003 in writ petition NO.5480 OF 1997 on the file of the High Court.)

Between:
1 Vice Chairman
Kakatiya Urban Development Authority Hanumakonda, Warangal Dist
2 Special Deputy collector , land Acquisition ,
Kakatiya Urban Development Authority , Hanumakonda, Warangal Dist

..... APPELLANT(S)

AND

1 P.Ramapula Devi W/o late P.Mrutyunjaya Reddy
H.No.1-7-78(Old No.1-693) Hunter Road, Warangal
2 P.Maheswara Reddy son late P.Mrutynjaya Reddy
H.No.1-7-78(Old No.1-693) Hunter Road, Warangal
3 P.Jagadiswara Reddy son of Late P.Mrutyunjaya Reddy
H.No.1-7-78(Old No.1-693) Hunter Road, Warangal
4 P.Bhaskar Reddy son of late P.Mrutyunjajya Reddy
H.No.1-7-78(Old No.1-693) Hunter Road, Warangal
5 P.Sridhar Reddy son of late P.Mrutyunjaya Reddy
H.No.1-7-78(Old No.1-693) Hunter Road, Warangal
6 Municipal corporation of Warangal, rep. by its commissioner
Warangal
7 M.Aravinda Kumar Commissioner , Municipal Corporation Warangal
In-Charge of Kakatiya Urban Development Authority
Hanumakonda, Warangal Dist

.....RESPONDENT(S)

For the Appellants: MR.V.VENKATARAMANA, advocate

For the Respondent No. : MR.M.R.K.CHOWDARY , advocate

For the respondent No. : Mr K.Venugopal, Advocate

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

The appeal is preferred by the Kakatiya Urban Development Authority and the Special Deputy Collector, Land Acquisition, Kakatiya Urban Development Authority against the order of the learned single Judge dated 3-3-2003 passed in writ petition No.5480 of 1997 allowing the writ petition of the respondent Nos.1 to 5 thereby directing the first appellant, 6th and 7th respondents to either pass a consent award or initiate land acquisition proceedings under the Land Acquisition Act and pay the compensation to the claimants. The entire exercise was directed to be completed in four months.

Learned counsel for the appellants submits that even as per the allegations made in the petition, demolition of a portion of the house of the writ petitioners was carried out by the Municipal Corporation of Warangal. The Municipal Corporation was given to understand that land will be acquired. Therefore, appropriate direction may be issued to the Municipal Corporation. But KUDA has nothing to do with the demolition and payment of compensation.

When the matter was taken up, we asked learned counsel for the 6th respondent herein who submitted that the Municipal Corporation had written to the Land Acquisition Officer to take steps to acquire the land of the writ petitioners and the proceedings to acquire the same are in progress.

In the instant appeal we are only concerned with the directions issued against the appellants to acquire the land and to pay compensation. When it is given to understand before us that Municipal Corporation of Warangal has to initiate steps to acquire the land and when it was not alleged that appellants had acquire the land, the order of learned single Judge in so far as it directs the appellants to acquire the land and to pay compensation deserves to be set aside.

Appeal is accordingly allowed. Impugned order in so far as it directs the appellants to acquire the land and to pay compensation is set aside

and it is made clear that the order will continue to hold good in so far as Municipal Corporation of Warangal is concerned.

DEVINDER GUPTA, CJ

G.ROHINI, J

17th June, 2004.

nmr

JOINT REGISTRAR

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SECTION OFFICER

To

Special Deputy Collector , land Acquisition ,
Kakatiya Urban Development Authority , Hanumakonda, Warangal Dist

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